

SOAH DOCKET NO. 582-05-4175
TCEQ DOCKET NOS. 2004-1474-IHW & 2004-1475-IHW

APPLICATION OF COGEMA, MINING § BEFORE THE STATE OFFICE
INC. FOR PRODUCTION AREA §
AUTHORIZATION AMENDMENTS § OF
TO AUTHORIZE THE REVISION OF §
RESTORATION TABLES § ADMINISTRATIVE HEARINGS

EXECUTIVE DIRECTOR'S EXCEPTIONS

TO THE HONORABLE COMMISSIONERS AND ADMINISTRATIVE LAW JUDGE OF THE
STATE OFFICE OF ADMINISTRATIVE HEARINGS:

The Executive Director of the Texas Commission on Environmental Quality (TCEQ or Commission) files his Exceptions in response to the Proposal for Decision (PFD) prepared by the Administrative Law Judge (ALJ) in the above-referenced matter. The Executive Director supports the PFD and recommends the issuance of an order consistent with the findings and conclusions recommended in the ALJ's proposed order.

The Executive Director recommends the correction of two typographical errors in the proposed findings. The chart provided in proposed finding of fact #27 with respect to the EPA and Texas drinking water standards for uranium and radium-226 should be changed. As provided later in finding of fact #45, the EPA and Texas drinking water standard for uranium is 0.03 mg/l, and the EPA and Texas drinking water standard for radium-226 is 5.0 pCi/l. 30 Tex. Admin. Code (TAC) §290.108(b)(1)(A) and (C); 40 CFR §141.66(b) and (e). Exhibit ED-24, p. 17, lines 44-46; Exhibit ED-24, p. 19, lines 26-7. On finding of fact #75, the Executive Director recommends adding "are" after "they" on the first line of the finding.

To fulfill the requirement of 30 TAC §50.117(f), the Executive Director also recommends an order provision that adopts the Executive Director's Response to Public Comment and that states that if there is a conflict between the Commission's Order and the Response to Public Comment, the Commission's Order prevails.

Respectfully submitted,

Glenn Shankle
Executive Director
TCEQ

Robert Martinez
Division Director
Environmental Law Division

CHIEF CLERKS OFFICE

2004 OCT 30 AM 10:30

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

CHIEF CLERKS OFFICE

2004 OCT 30 AM 10:30

TEXAS
COMMISSION
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QUALITY

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CERTIFICATE OF SERVICE

I certify that on October 30, 2006, the foregoing Executive Director's Exceptions was sent by first-class mail, agency mail, or facsimile to all persons on the attached mailing list.

Don Redmond

Don Redmond

CHIEF CLERK'S OFFICE

2006 OCT 30 AM 10:00

TEXAS
COMMISSION
ON ENVIRONMENTAL
QUALITY

MAILING LIST
APPLICATION OF COGEMA MINING INC. FOR PRODUCTION AREA
AUTHORIZATION AMENDMENTS TO AUTHORIZE THE REVISION OF
RESTORATION TABLES; SOAH DOCKET NO. 582-05-4175;
TCEQ DOCKET NOS. 2004-1474-IHW & 2004-1475-IHW

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